



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,394	08/18/2000	Roberto C. Machado JR.	1481.0240000/MQL/RVM	7165

26111 7590 06/19/2003

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,394

Applicant(s)

MACHADO ET AL.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3621

DETAILED ACTION

Claims 1-6 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corby et al. (US Patent No 6,418,417)

As per claim 1

Corby et al. ('417) discloses a method for valuating natural gas futures and options contracts using weather-based metrics, comprising the steps of:
receiving an input from a user indicative of the number of monthly gas contracts desired for a period of time;(Column 17, lines 1-6)
receiving historical weather information for at least one basket of cities during said period of time; (Column 8, lines 32-52; also figure 2)
receiving future weather information for said basket of cities during said period of time;(Column 9, lines 44-49)
receiving historical natural gas inventory information for said basket of cities during said period of time; (Column 12, lines 9-17)
applying a series of regression analyses to obtain a predicted baseline value for each of the monthly gas contracts within said period using said received historical weather, future weather, historical natural gas inventory, and historical gas futures contract price data;(Table 2, column 14)
applying a series of recommendation rules to said baseline value, using said received live exchange data;(Column 13, lines 35-64)
providing, said user with a recommendation for each of the monthly gas contracts within said period of time, wherein said recommendation reflects said user inputted desired number of contracts.(Table 2, column 14)

Official Notice is taken that "receiving historical gas futures contract price information for said period of time" is common and well known in prior art in reference to valuating natural gas futures and options contracts using weather-based metrics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive historical gas futures contract price information for said period of time because this allows the system to predict a baseline ~~for~~ future demand.

Art Unit: 3621

Official Notice is taken that "receiving live exchange data which indicates the current price for each of the monthly gas contracts within said period of time" is common and well known in prior art in reference to valuating natural gas futures and options contracts using weather-based metrics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive live exchange data which indicates the current price for each of the monthly gas contracts within said period of time because this allows the system to respond to market fluctuations of gas prices.

As per claim 2

Corby et al. ('417) discloses the method of claim 1, wherein said series of regression analysis applied in the sixth step, comprises the steps of
performing a linear regression of said historical weather information and said historical natural gas inventory information;(Table 2, column 14)
performing a multi-variate regression of said historical gas futures contract price information, said historical weather information and said historical natural gas inventory information.(Table 2, column 14)

As per claim 3

Corby et al. ('417) discloses the method of claim 1, wherein said series of recommendations provided in step nine includes at least one of the following:
Strong Buy; Buy; Buy a Call; Write a Put; Sell; and Strong Sell.(Column 7, lines 13-29)

As per claim 4

Corby et al. ('417) discloses a system for valuating natural gas futures and options contracts using weather-based metrics, comprising:
a weather history database that stores historical weather information for at least one basket of cities;(Column 8, lines 32-52; also figure 2)
a weather forecast database that stores future weather information for said basket of cities;(Column 9, lines 44-49)
an inventory database that stores historical natural gas inventory information for at least said basket of cities;(Column 12, lines 9-17)
at least one workstation (Figure1) that allows a user to specify inputs that affect the value of the gas futures and options contracts;(Column 17, lines 1-6)
at least one trading server, (Figure1) responsive to said workstation and connected to said weather history database, said weather forecast database, said inventory database, and said price database, that applies a pricing model to value gas futures and options contracts using said specified inputs from said user; whereby the system provides assistance to said user in reaching buying/hedging decisions in trading gas futures and options contracts.(Table 2, column 14 – operations performed by the server)

Official Notice is taken that "a price database that stores historical natural gas futures prices information" is common and well known in prior art in reference to valuating natural gas futures and options contracts using weather-based metrics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a price database that

Art Unit: 3621

stores historical natural gas futures prices information because this allows the system to predict a baseline fir future demand.

As per claim 5

Corby et al. ('417) discloses a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for causing an application program to execute on a computer that performs valuations of natural gas futures and options contracts using weather-based metrics, said computer readable program code means comprising:

first computer readable program code means for causing the computer to receive an input from a user indicative of the number of monthly gas contracts desired for a period of time;(Column 17, lines 1-6)

second computer readable program code means for causing the computer to receive historical weather information for at least one basket of cities during said period of time;(Column 8, lines 32-52; also figure 2)

third computer readable program code means for causing the computer to receive future weather information for said basket of cities during said period of time;(Column 9, lines 44-49)

fourth computer readable program code means for causing the computer to receive historical natural gas inventory information for said basket of cities during said period of time;(Column 12, lines 9-17)

sixth apply a series of regression analyses to obtain a predicted baseline value for each of the monthly gas contracts within said period using said received historical weather, future weather, historical natural gas inventory, and historical gas futures contract price data;(Table 2, column 14)

eighth computer readable program code means for causing the computer to apply a series of recommendation rules to said baseline value, using said received live exchange data;(Table 2, column 14)

ninth computer readable program code means for causing the computer to provide said user with a recommendation for each of the monthly gas contracts within said period of time, wherein said recommendation reflects said user inputted desired number of contracts.(Table 2, column 14)

Official Notice is taken that "receiving historical gas futures contract price information for said period of time" is common and well known in prior art in reference to valuating natural gas futures and options contracts using weather-based metrics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive historical gas futures contract price information for said period of time because this allows the system to predict a baseline fir future demand.

Official Notice is taken that "receiving live exchange data which indicates the current price for each of the monthly gas contracts within said period of time" is common and well known in prior art in reference to valuating natural gas futures and options contracts using weather-based metrics. It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive live exchange data which indicates the current price for each of the monthly gas contracts within said period of time because this allows the system to respond to market fluctuations of gas prices.

Art Unit: 3621

As per claim 6

Corby et al. ('417) discloses The computer program product of claim 5, wherein said sixth computer readable program code means comprises:
tenth computer readable program code means for causing the computer to perform a linear regression of said historical weather information and said historical natural gas inventory information; (Table 2, column 14)
eleventh computer readable program code means for causing the computer to perform a multi-variate regression of said historical gas futures contract price information, said historical weather information and said historical natural gas inventory information.(Table 2, column 14)

Conclusion

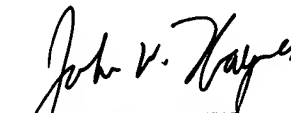
Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

June 11, 2003
JMW


JOHN W. HAYES
PRIMARY EXAMINER